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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/734,068	12/10/2003	Shawn R. Irwin	356-64615	1846
24197	7590	05/20/2005		
KLARQUIST SPARKMAN, LLP 121 SW SALMON STREET SUITE 1600 PORTLAND, OR 97204			EXAMINER KING, ANITA M	
			ART UNIT 3632	PAPER NUMBER

DATE MAILED: 05/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/734,068

Applicant(s)

IRWIN ET AL

Examiner

Anita M. King

Art Unit

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 December 2003.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-70 is/are pending in the application.  
4a) Of the above claim(s) 1-30 and 59 is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 31-37, 41, 43-46, 50 and 52-68 is/are rejected.  
7) ☒ Claim(s) 38-40, 42, 47-49, 51, 69 and 70 is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 12/10/03.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☒ Other: \_\_\_\_\_.

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This is the first office action for application number 10/734,068, Modular Dental Chair Equipment Mounting System, filed on December 10, 2003.

### ***Election/Restrictions***

Claims 1-30 and 59 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant transverse the restriction requirement in telephone conversation on January 4, 2005.

### ***Specification***

The disclosure is objected to because of the following informality: on page 12, line 3, "forth" should be --fourth--.

Appropriate correction is required.

### ***Claim Objections***

The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claims 65 (second occurrence) through 69 been renumbered 66-

***70.Claim Rejections - 35 USC § 112***

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The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 33 and 34 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 33 recites the limitation "the path" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 34 recites the limitation "the patient supporting portion" in line 2. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 31-34, 36, 37, 41, 43-46, 50, 52-58, and 60-68 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 4,427,382 to Hoffmeister, et al., hereinafter, Hoffmeister. Hoffmeister discloses an arm assembly comprising a compensating arm (4) pivotably connected to a rear side of a support; a primary arm (near element 5 attached to element 9) pivotably connected to the compensating arm at a primary pivot axis to pivot in a generally horizontal plane; a secondary arm (1) connected to the compensating arm near the primary pivot axis and having multiple segments, the secondary arm being

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vertically and horizontally movable relative to the primary arm and the compensating arm; wherein the length of the compensating arm is set to position the primary pivot axis at a sufficient distance from the support to permit movement of the respective primary and secondary arms without interference; and wherein the secondary arm is positioned above the path of the primary arm.

In regards to claims 37, 41, 43-46, 50, and 52-58, Hoffmeister discloses a multi-segmented arm assembly comprising: a link arm segment (bottom element near reference 5) for pivotable attachment to a rear of the dental chair; a first segment (4) coupled to the link arm segment; a second segment (24) pivotably connected to the first segment at a substantially vertical pivot axis; a third segment (11) pivotably connected to the second segment at substantially horizontal pivot axis; a terminal segment pivotably connected to the third segment; at least one tool holder (2) rotatably mounted to the terminal segment; wherein the terminal segment is pivotably connected to a substantially horizontal pivot axis; a parallelogram supporting structure for at least one segment; wherein the terminal segment is pivotably connected at a substantially horizontal pivot axis; wherein the link arm segment has a distal end and the first segment is connected to the link arm segment at the distal end of the link arm segment; wherein the first segment has a distal end and the second segment is connected to the first segment at the distal end of the first segment; wherein the second segment has a distal end and the third segment is connected to the first segment at the distal end of the second segment; and wherein the third segment has a distal end and the terminal segment is connected to the third segment at the distal end of the third segment

Claim 35 is rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 3,550,892 to Propst. Propst discloses an arm assembly comprising: a first element for pivotable attachment to a dental chair; a second element pivotably attached to an end of the first element a substantially vertical first pivot axis; a third element attached to the second element substantially along the first pivot axis; and a fourth element attached to the third element at a substantially vertical second pivot axis that is horizontally spaced from the first pivot axis. See Attachment for details.

#### ***Allowable Subject Matter***

Claims 38-40, 42, 47-49, 51, 69, and 70 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 1,733,107 to Ahlberg

U.S. Patent 3,243,497 to Kendall et al.

U.S. Patent 3,771,226 to Lieb et al.

U.S. Patent 4,564,179 to Hollingsworth

U.S. Patent 4,695,024 to Haven

U.S. Patent 5,542,138 to Williams et al.

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U.S. Patent 6,179,262 to Ellard et al.

U.S. Patent 6,481,688 to Welling et al.

U.S. Patent 6,834,837 to Schilt et al.


The above patents all disclose various types of adjustable arm assemblies.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anita M. King whose telephone number is (571) 272-6817.

The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie A. Braun can be reached on (571) 272-6815. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

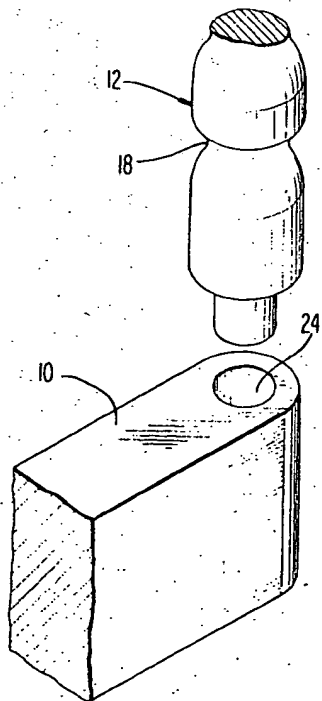
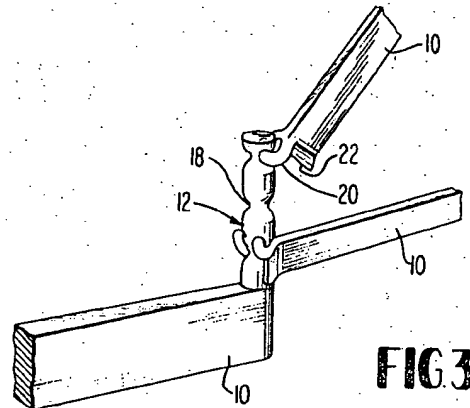
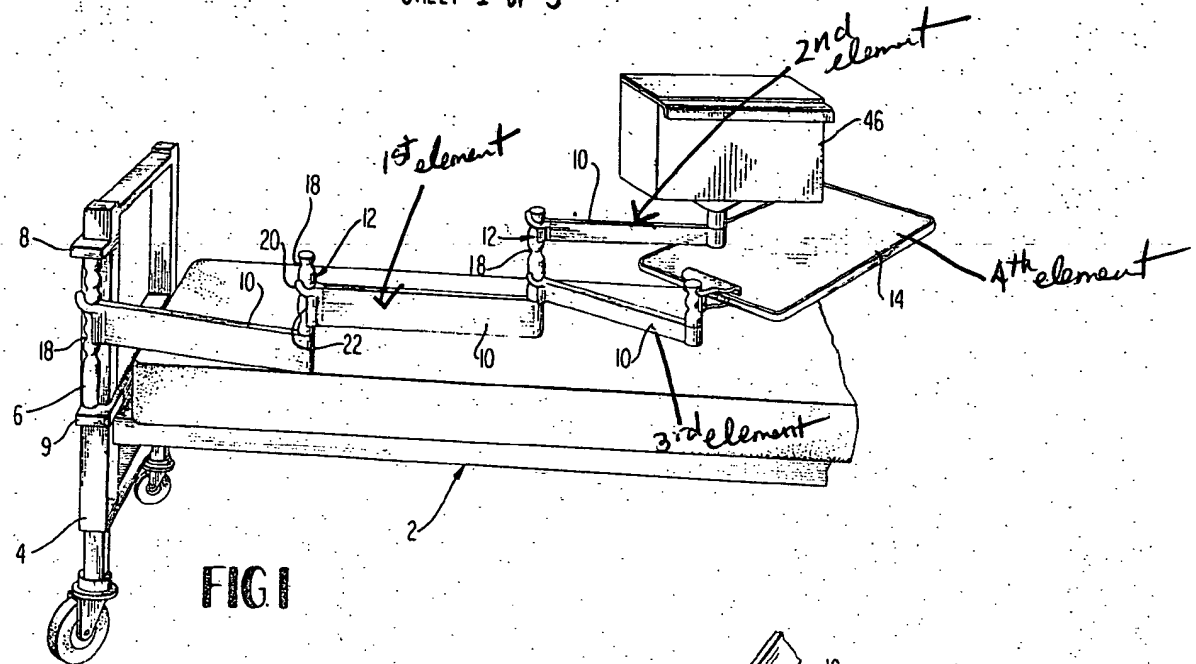
  
Anita M. King  
Primary Examiner  
Art Unit 3632

May 16, 2005

PATENTED DEC 29 1970

3,550,892

SHEET 1 OF 5



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